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5		
6	Attorneys for Plaintiff Friendly Capital Partners, L.P. eTreppid Technologies, LLC; and Warren Trepp	
7	UNITED STATES DISTRICT COURT	
8	FOR THE DISTRICT OF NEVADA	
9	FRIENDLY CAPITAL PARTNERS, L.P., a	
10	California Limited Partnership,	Case No. 3:07-CV-00250-BES-VPC
11		
12	Plaintiff,	JOINT STATUS REPORT
13	VS.	
14	DENNIS MONTGOMERY, BRENDA MONTGOMERY, and the MONTGOMERY	
15	FAMILY TRUST, a California trust, and DOES 1 through 10, individually,	
16	Defendants	
17	/	
18	DENNIS MONTGOMERY, BRENDA	
19	MONTGOMERY, and the MONTGOMERY FAMILY TRUST,	
20	Counterclaimants,	
21	VS.	
22	FRIENDLY CAPITAL PARTNERS, L.P., a	
23	California Limited Partnership; WARREN TREPP, an individual, ETREPPID TECHNOLOGIES,	
24	LLC, a Nevada Limited Liability Company, DOUGLAS J. FRYE, an individual, and DOES 1 –	
25	10 inclusive.	
26	Counterdefendants.	
27	AND ALL DELATED MATTERS	
28	AND ALL RELATED MATTERS.	
- 1	I .	

## I. STATUS OF THE ACTION AND PENDING MOTIONS

## A. Summary of Procedural History

This action arises out Friendly Capital Partners, LP's ("FCP") claims to recover money due under a promissory note and to foreclose on the asset securing that note, Montgomery's interest in eTreppid Technologies, LLC. On April 23, 2007, FCP filed a complaint in Nevada state court alleging claims for Foreclosure of Security, Breach of Contract, Breach of the Implied Covenant of Good Faith and Fair Dealing, and Unjust Enrichment. Montgomery subsequently removed this action and, on June 8, 2007, filed the Answer and Counterclaim of Dennis Montgomery, Brenda Montgomery, and the Montgomery Family Trust (the "Answer and Counterclaim"). This pleading asserts counterclaims against FCP, as well as cross claims against eTreppid, Warren Trepp, and Doug Frye, for Fraud and Misrepresentation, Breach of Contract, Breach of Fiduciary Duty, Constructive Fraud, Breach of the Implied Covenant of Good Faith and Fair Dealing, Unjust Enrichment, Intentional Interference with Prospective Economic Advantage, Negligent Interference with Prospective Economic Advantage, Identity Theft, Civil Conspiracy, and an Accounting.

The cross claims have not been served. Counsel for FCP has agreed to accept service on behalf of eTreppid and Trepp. The parties have agreed that eTreppid's, FCP's and Trepp's time to file a responsive pleading shall run from the date upon which Trepp and eTreppid are served with the Answer and Counterclaim.

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## II. ACTION REQUIRED TO BE TAKEN BY THIS COURT

At the present time, there are no motions pending and no action to be taken by the court.

Dated: This 28<sup>th</sup> day of June, 2007.

Dated: This 28<sup>th</sup> day of June, 2007.

\_/s/\_

Attorneys for Plaintiff

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Attorneys for Defendants Dennis Montgomery; Montgomery Family Trust and Dennis & Brenda Montgomery, as Trustees, and Counterclaimants and Third Party Plaintiffs, Dennis Montgomery and Montgomery Family Trust 

## PROOF OF SERVICE

I, Gaylene Silva, declare:

I am employed in the City of Reno, County of Washoe, State of Nevada, by the law offices of Hale Lane Peek Dennison and Howard. My business address is: 5441 Kietzke Lane, Second Floor, Reno, Nevada 89511. I am over the age of 18 years and not a party to this action

I am readily familiar with Hale Lane Peek Dennison and Howard's practice for collection of mail, delivery of its hand-deliveries and their process of faxes.

On June 28, 2007, I caused the foregoing **JOINT STATUS REPORT** to be:

X filed the document electronically with the U.S. District Court and therefore the court's computer system has electronically delivered a copy of the foregoing document to the following person(s) at the following e-mail addresses:

Fax No. 786-5044

Email Lezlie@renofamilylaw.com

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6125 El Tordo

Rancho Santa Fe, CA 90267

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration was executed on June 28, 2007.

_/s/	
Gaylene Silva	